

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

WILLIAM SOTO-MONTANEZ,

Defendant.

USDC SDNY
DOCUMENT
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1:21-cr-95 (MKV)

**ORDER DENYING MOTION
FOR SENTENCE REDUCTION**

MARY KAY VYSKOCIL, United States District Judge:

The defendant, William Soto-Montanez, pleaded guilty to one count of Conspiracy to Distribute and Possess with Intent to Distribute Fentanyl, in violation of 21 U.S.C. § 846 and 841(b)(1)(C) [ECF No. 51]. The Court sentenced Defendant principally to a term of 48 months of imprisonment [ECF No. 51]. Defendant thereafter filed three *pro se* motions for a reduction in his sentence pursuant to 18 U.S.C. § 3582(c) and Amendment 821 to the Sentencing Guidelines [ECF Nos. 52, 54, 55].

Effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission amended the United States Sentencing Guidelines Manual. As relevant here, Part B amends Guideline § 4C1.1, by providing a 2-level offense level reduction for offenders with zero criminal history points who meet specified eligibility criteria. Pursuant to §1B1.10, the Sentencing Commission made the amendment retroactive.

In each of his submissions, Defendant expressly requests a reduction in sentence because he had “no prior history of conviction” and meets the other “qualifying criteria” [ECF No. 52 at 1; *see* ECF No. 54 at 2; ECF No. 55 at 2]. However, as both the United States Probation Office and the Government point out, Defendant is precluded from receiving a Zero-Point Offender sentence reduction because he possessed a firearm in connection with the charged offense [ECF Nos. 53

(“Revised PSR”) at 2; 57 (“Gov. Opp.”) at 2]. *See* § 4C1.1(7). As such, Defendant does not meet the eligibility criteria set forth in U.S.S.G. § 4C1.1.


The Court notes that Part A of Amendment 821, which amends Guidelines § 4A1.1, is also inapplicable because the defendant did not commit the offenses for which he is presently serving sentence while under any prior criminal justice sentence.

Accordingly, Defendant’s motions for a sentence reduction pursuant to Amendment 821 [ECF Nos. 52, 54, 55] are DENIED.

The Clerk of Court respectfully is requested to mail a copy of this Order to the defendant.

SO ORDERED.

Dated: April 23, 2025
New York, NY


MARY KAY VYSKOCIL
United States District Judge